

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

SUITE 5100

1000 LOUISIANA STREET

HOUSTON, TEXAS 77002-5096

(713) 651-9366

FAX (713) 654-6666

WWW.SUSMANGODFREY.COM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/7/17

SUITE 930

1001 AVENUE OF THE STARS
LOS ANGELES, CALIFORNIA 90067-0029
(310) 760-3100

SUITE 3800

1201 THIRD AVENUE
SEATTLE, WASHINGTON 98101-3000
(206) 516-3880

32ND FLOOR

1301 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019-0022
(212) 336-6330

JUSTIN A. NELSON
DIRECT DIAL (713) 653-7806

E-MAIL JNELSON@SUSMANGODFREY.COM

March 7, 2017

VIA FAX

Honorable Victor Marrero
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312



Re: Case No. 1:17-cv-01349-VM; *CafeX Communications, Inc. v. Amazon Web Services, Inc.*; In the United States District Court for the Southern District of New York

Dear Judge Marrero:

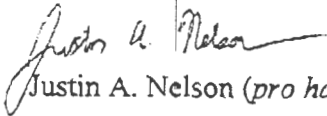
CafeX's letter confirms why a short extension for Amazon to file its Response would cause no prejudice. CafeX does not and cannot dispute that it offered a schedule that gave Amazon more time than the current schedule. Moreover, as the Exhibit attached to CafeX's letter shows, CafeX never told Amazon that the Court would issue a scheduling order if the parties could not agree. In fact, it told Amazon just the opposite—that "if the parties were unable to agree on a schedule, we could have a teleconference with the Court on the issue on Monday." CafeX further ignores that Amazon responded to this email. Amazon proposed the same schedule that Amazon now proposes to the Court, telling CafeX that it seemed the parties could resolve the briefing schedule without court intervention. *See* Ex. 1 to Amazon's Opening Letter. CafeX does not and cannot deny that it never responded to Amazon's proposal.

March 7, 2017

Page 2

For these reasons and those in the initial letter, Amazon requests a short four-day extension to file its Response to CafeX's Preliminary Injunction Motion.

Sincerely,



Justin A. Nelson (*pro hac vice* motion to be filed shortly)

cc: David Braffman (via email)

